

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DONALD ULFERTS, Individually And On
Behalf Of All Others Similarly Situated,

Plaintiff,

-against-

FRANKLIN RESOURCES, INC.;
FRANKLIN ADVISERS, INC.; and
FRANKLIN/TEMPLETON DISTRIBUTORS,
INC.,

Defendants.

Civil Action No. 2:07-cv-01309-WJM-MF

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

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Defendants move, pursuant to Rules 12(b)(1) and (6) Fed.R.Civ.P., to dismiss the Complaint for failure to state a legally cognizable claim. Defendants incorporate herein, and rely on the Memorandum of Law in Support of Motion to Dismiss filed in *Alexander*.

The same result reached by this Court on the pending Motion to Dismiss *Alexander* should be reached in *Ulferts*. The cases are substantively indistinguishable.

Dated: September 25, 2007

Respectfully submitted,

POLLACK & KAMINSKY

/s/ Daniel A. Pollack
by: _____
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